

REMARKS

In the Office Action dated March 10, 2004, claims 1-4, 6, 8, 10-11 and 13-15 remain rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,115,892 to Malin et al. (hereinafter "Malin") in view of U.S. Patent No. 5,647,671 to May (hereinafter "May") and U.S. Patent No. 6,212,857 to Van Erden reference (hereinafter "Van Erden"). Claim 7 remains rejected under 35 U.S.C. §103(a) as being obvious over Malin in view of May and Van Erden, and further in view of U.S. Patent No. 5,023,122 to Boeckmann (hereinafter "Boeckmann").

In view of the above, reconsideration of the application is respectfully requested in view of the comments set forth below. As an initial matter, Applicants respectfully submit that claims 1-4, 6-8, 10-11 and 13-15 are patentable for the reasons set forth in the amendment filed December 12, 2003.

In addition, Applicants submit that the claims are not obvious for following additional reasons. First, one skilled in the art would not be motivated to combine Malin with May since Malin and the present invention are directed to the transverse application of the zipper while May is not. Applicants point out that a close inspection of the figures in May show that the zipper strip is not applied to the film transverse to the machine direction. The figures of May (e.g., Fig. 1) show that there is no film seal or seam above the zipper strip. However, an inspection of Malin shows that when a zipper is applied transversely to the film web seals or seams are created above and below the zipper strip. *See* Malin FIG. 12; *see also* col. 5, line 51 – col. 6, line 3. As a result, May does not teach or suggest transverse application of a zipper but instead the longitudinal application of a zipper.

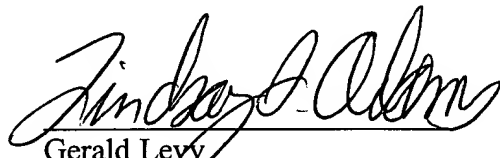
While the Examiner contends there is motivation to combine Malin with May for the purpose of seal strength control, Applicants submit that the Examiner fails to take in consideration the disparate teachings of Malin and May regarding zipper application as noted above. As set forth in the Manual of Patent Examining Procedure (M.P.E.P.), “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention.” §2141.02 (citation omitted). Applicants submit that one skilled in the art would not be motivated to combine Malin with May due to their disparate teachings on zipper application. Withdrawal of the rejections is therefore respectfully requested.

Second, even if Malin and May were proper to combine, Applicants submit that the addition of Van Erden to the combination fails to provide a reasonable expectation of success of achieving Applicants’ claimed invention. The Examiner sets forth in the Office Action that one skilled in the art would be motivated to separate the flanges of Malin as taught by May where the second flange would be longer than the first flange. *See* Office Action at paragraph 5, page 7. The Examiner additionally replicates FIG. 4 of Malin to illustrate his position. However, Applicants respectfully submit that one skilled in the art would be unable to apply the slider of Van Erden to the zipper of Malin since flanges 26 and 28 prevent a slider from being inserted onto the zipper. In order for a slider to be applied to a zipper, the slider must be able to straddle the interlocking profiles of the zipper. This fact is clearly seen in FIG. 1a of Van Erden, which shows zipper 12 with slider 14 straddling first and second profiles 16,18. *See* Van Erden at col. 2, lines 24-47. It is additionally clear that flanges 26 and 28 of Malin’s zipper shown in FIG. 4 will prevent any potential slider from straddling the zipper. Accordingly, the combination of Malin, May and Van Erden, even if proper, fails to provide one skilled in the art a reasonable

expectation of success of applying a slider to the zipper of Malin. Withdrawal of the rejections is respectfully requested.

If the Examiner has any questions regarding this response, the Examiner is respectfully requested to contact the undersigned attorney. Applicants do not believe that any fees are due with this amendment. However, if any fees are due, please charge such sums to our Deposit Account, 50-1145.

Respectfully submitted,



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